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**VIA ELECTRONIC FILING**

The Honorable Wendy Beetlestone  
United States District Court  
Eastern District of Pennsylvania  
James A. Byrne U.S. Courthouse  
601 Market Street  
Philadelphia, Pennsylvania 19106-1797

**Re: De Piero v. Pennsylvania State University, et al., Case No. 2:23-cv-02281**

Dear Judge Beetlestone,

As the Court is aware, this office represents the Defendants Pennsylvania State University (the “University”), Damian Fernandez, Margo DelliCarpini, Liliana Naydan, Carmen Borges, Alina Wong, Lisa Marranzini, Friederike Baer, and Aneesah Smith (collectively “Defendants”) in the above-captioned lawsuit. I am writing to advise the Court that, after further discussions between the parties, and the receipt of certain documents that Plaintiff produced after he submitted his April 11<sup>th</sup> letter response to the Court, **the parties agree that the teleconference scheduled for today, April 15, 2024 at 2:30 p.m., is no longer necessary.**

On April 2, 2024, Defendants filed a letter requesting a teleconference with the Court regarding a discovery dispute relating to Plaintiff’s refusal to produce any of his medical records, his refusal to execute a HIPAA authorization, and his failure to produce relevant discovery regarding his income and earnings. (Dkt. 41). The Court thereafter scheduled a teleconference for today, April 15, 2024, at 2:30 p.m. (Dkt. 42). On Thursday, April 11, 2024, Plaintiff submitted a response letter by e-mail to the Court. After Plaintiff submitted his response letter to the Court, he produced some of the documents at issue in Defendants’ discovery dispute letter. Specifically, Plaintiff’s counsel e-mailed Defendants a link<sup>1</sup> containing a supplemental document production that contained some of the records Defendants had previously requested, including an executed HIPAA authorization form and certain documents relating to Plaintiff’s income. Plaintiff also provided additional income documentation on April 15, 2024.

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<sup>1</sup> Defendants were provided access to the linked documents the following day, April 12, 2024.

While Plaintiff has not produced any of his medical records, Defendants were able to provide a copy of the newly received executed HIPAA authorization to Plaintiff's primary care treating provider at Doylestown Health (to whom Defendants had previously issued subpoenas for documents and deposition testimony). On Friday, April 12, 2024, Defendants received a link from Doylestown Health to medical records dated March 2023 through March 2024 in response to Defendants' document subpoena. As a result, Defendants do not believe the Court's intervention is needed regarding discovery of Plaintiff's medical records.

With regard to documents relating to Plaintiff's income, Plaintiff has now produced W-2s for 2020, 2022, and 2023 as well as paystubs from Northampton Community College from June 2023 to March 2024. The parties have come to an agreement regarding the production of additional pay records. Accordingly, Defendants do not believe the Court's intervention will be necessary in this regard. Thank you very much.

Respectfully submitted,



James A. Keller